

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF MINNESOTA**

Gregory Scott
Edward A. Garvey
Marshall Johnson
LeRoy Koppendrayner
Phyllis Reha

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Commission Investigation Into
Qwest's Compliance with Section 271 of the
Telecommunications Act of 1996 that the
Requested Authorization is Consistent with the
Public Interest, Convenience and Necessity

PUC Docket No. P421/CI-01-1373
OAH Docket No. 6-2500-14488-2

**AFFIDAVIT OF
ELLEN COPLEY**

I, Ellen Copley, being duly sworn, state:

1. I am the Manager of Cost and Revenue Analysis in the Finance Department at Eschelon Telecom, Inc.

UNE-P Lines

2. As recently as April of 2002, Eschelon had less than 200 UNE-Platform ("UNE-P") lines in Minnesota. Throughout the states in which Eschelon operates in Qwest territory, at that time Eschelon had less than 350 UNE-P lines, including the UNE-P lines in Minnesota. Since then, Eschelon has started to migrate some of its lines from UNE-Eschelon ("UNE-E") to ("UNE-P"), as well as to order UNE-P lines. On the most recent bill received from Qwest (dated May 28, 2002), Qwest billed Eschelon for less than 655 UNE-P lines in Minnesota. Additional lines may have been migrated but have not yet appeared on the bill.

UNE-E or UNE Star Lines

3. The remainder of Eschelon's Off-Net¹ lines (that are not on UNE-P) in Qwest territory are virtually all priced according to a product that has been referred to as UNE-Eschelon ("UNE-E") or UNE Star. The vast majority of Eschelon's Off-Net lines are UNE-E lines.

¹ Eschelon has its own switch in Minnesota for providing voice service. When using its switch to serve its customers, Eschelon orders collocation, loops, *etc.*, from Qwest. In some cases (particularly when a customer is outside of the area served by Eschelon's switch), Eschelon also orders UNE-E, UNE-P, or resale from Qwest to serve customers. Eschelon often refers to customers and lines served through Eschelon's own switching facilities as "On-Net" or "On-Switch" and customers and lines served through UNE-E, UNE-P, or resale as "Off-Net." Roughly 40% of Eschelon's lines in Minnesota are Off-Net.

4. Eschelon still receives resale bills for the UNE-E lines, instead of accurate UNE-E bills. Eschelon orders an UNE-E business line, but Qwest provides Eschelon with a bill that does not reflect any of the UNE-E rates in the UNE-E Interconnection Agreement Amendments. Instead, the bill shows rates that reflect the retail rate minus the wholesale discount. *See, e.g.*, Exhibit A (example excerpt from resale bill for UNE-E lines). A UNE-E credit is then determined by applying the UNE-E rates to the UNE-E product quantities Eschelon has ordered. Each month, I book the amount billed by Qwest in the resale bill. I then calculate, by state, an estimate of the rate difference between the Qwest resale bill and the UNE-E rates. I book the amount as an estimated cost reduction to allocate our costs. Later (often a month or more later), Qwest provides its estimate of the amount. When a final number is available, Eschelon does a true-up of the previous estimate and the final number. The amount due using this process is an approximation and not an accurate rendering of the correct rate.

5. Qwest pays Eschelon for the difference between the resale bill and the smaller amount that Eschelon should have been billed for UNE-E lines. In other words, no physical conversion to UNE-E billing occurred.

6. One hundred percent of the UNE-E rates billed to Eschelon from Qwest for UNE-E lines are inaccurate. The bills reflect resale rates, rather than UNE-E rates.

FURTHER AFFIANT SAYETH NOT.

Dated this 3rd day of June 2002.

Ellen Copley

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

SUBSCRIBED AND SWORN TO before me this 3rd day of June, 2002, by Ellen Copley, who certifies that the foregoing is true and correct to best of her knowledge and belief.

Witness my hand and official seal.

Notary Public

My commission expires:
